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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,260	12/02/2003	Herbert Meyerle	S118.12-0003	3376

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

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09/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,260	MEYERLE, HERBERT	
	Examiner	Art Unit	
	Christopher Boswell	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-11,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-11,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the remote transponder" in lines 14-16 and 20. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,374,653 to Gokcebay et al.

Gokcebay et al. disclose a locking cylinder for a door having a locking cylinder body (20), a knob (196) on the cylinder body (figures 18, 18A and 18B; where on is defined as "used as a function word to indicate position in or in contact with an outer surface," and the knob or handle is in contact with an outer surface of the cylinder body) for the outside of the door to be

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locked, a deactivation member (36) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated (column 12, lines 59-67), and an access control means (43) in the locking cylinder body which in response to an authorized transponder signal (signal from 94) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprises means for exchanging a wireless signal with a remote transponder (90 and 94) and a verification means for verifying whether or not the remote transponder is authorized (figure 10; column 17, line 60-column 18, line 13), wherein the access control means comprising electronic (43) and mechanical (conventional pin tumblers; figure 6c) elements is entirely located within the locking cylinder body, and a battery (41) which is able to energize the access control means upon response of a request signal from the transponder, as in claim 1.

Gokcebay et al. also disclose the lock body is adapted and sized to be introduced into a door (column 12, lines 35-36; where the area to which the cylinder to be secured could be a door), as in claim 2, and where the deactivation member is adapted to deactivate the knob such that idle movement of the knob is possible or blocked (column 12, lines 59-67), as in claims 3 and 4.

Gokcebay et al. further disclose the access control means comprises a ferrite bar antenna (28) which is also located within the cylindrical lock body (figure 4), as in claim 7, as well as the access control means is adapted to communicate with a transponder (94) by means of an alternating magnetic field, as in claim 8, and protection means (22) for protecting against drilling or tampering with the lock, as in claim 9.

Gokcebay et al. also disclose a door lock system having a locking cylinder having a lock body (20), a knob (196) on the cylinder body (figures 18, 18A and 18B; where on is defined as “used as a function word to indicate position in or in contact with an outer surface,” and the knob or handle is in contact with an outer surface of the cylinder body) for the outside of the door to be locked, a deactivation member (36) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated (column 12, lines 59-67), and an access control means (43) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprising electronic (43) and mechanical (conventional pin tumblers; figure 6c) elements is entirely located within the locking cylinder body (figure 4), and a remote transponder (94) having means for exchanging a wireless data signal (via 90 and 94) with the access control means of the lock, wherein the access control means comprises means for exchanging a wireless signal with the remote transponder (94) and a verification means (figure 10) for verifying whether or not the remote transponder is authorized, and a battery (41) for energizing the access control means upon response of a request signal from the remote transponder, as in claim 14.

Gokcebay et al. further disclose a method for securing a locking cylinder for a door by providing a lock body being of generally cylindrical shape and being capable of being introduced into a door (20), providing a knob for the outside of the door to be locked, the knob being able to be actuated from the outside of the door in order to open the door from the outside (196) on the

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cylinder body (figures 18, 18A and 18B; where on is defined as “used as a function word to indicate position in or in contact with an outer surface,” and the knob or handle is in contact with an outer surface of the cylinder body), providing a deactivation member (36) which is able to deactivate the knob so that it cannot be actuated in order to open the door from the outside, providing an access control means (43) which in response to a signal of an authorized remote transponder (94) permits opening of the door by making it possible for the user to actuate the knob from the outside of the door in order to open it, wherein the access control means comprises means for exchanging wireless signal with the remote transponder (via elements 90 and 94) and a verification means for verifying whether or not the remote transponder is authorized (figure 10), providing the access control means entirely within the cylindrical lock body (figure 4), the access control means comprising electronic (43) and mechanical elements (conventional pin tumblers), providing a battery (41) for energizing the access control means upon response of a request signal from the remote transponder, as in claim 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gokcebay et al., as applied above, in view of U.S. Patent Number 5,447,047 to Lin.

Gokcebay et al. discloses the invention substantially as claimed. Gokcebay et al. discloses an engagement means (200) on the distal end of the lock cylinder. However, Gokcebay et al. does not disclose an engagement means having a drive mechanism and a take-off mechanism. Lin teaches an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled a coupling element (351) in such a manner that in a decoupled state a movement of the drive mechanism causes a movement of the coupling element, wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-27), as in claim 10, wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, as in claim 11, in the same field of endeavor for the purpose of transmitting torque from the lock cylinder to a drive shaft of a handle assembly. It would have been obvious to one with ordinary skill in the art at the time the invention was made to replace the drive mechanism of Gokcebay et al. with the engagement means, as taught by Lin in order to transmit torque from the lock cylinder to a drive shaft of a handle assembly.

Response to Arguments

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Applicant's arguments filed July 13, 2007 have been fully considered but they are not persuasive. In response to the argument that Gokcebay et al. disclose, in all embodiments, a key is needed which has to be inserted into the keyway in order to turn the cylinder core, is irrelevant as a prior art reference can disclose additional structure that is not claimed. Furthermore, Gokcebay et al. disclose each and every element as set forth in the claims either expressly or inherently.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Boswell
Examiner
Art Unit 3676

CJB 
September 19, 2007